

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 247  
3 entitled “An act relating to prohibiting discrimination based on genetic  
4 information” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* Genetic Information and Testing \* \* \*

9 Sec. 1. 18 V.S.A. § 9331 is amended to read:

10 § 9331. DEFINITIONS

11 ~~For purposes of~~ As used in this chapter:

12 \* \* \*

13 (6) “Genetic information” means the results of genetic testing related to  
14 an individual or a family member of the individual contained in any report,  
15 interpretation, evaluation, or other record ~~thereof~~.

16 \* \* \*

17 Sec. 2. 18 V.S.A. § 9332 is amended to read:

18 § 9332. GENETIC TESTING; LIMITATIONS

19 \* \* \*

1 (b) A person may be required to undergo genetic testing ~~in connection with~~  
2 ~~insurance subject to the limitations imposed under section 9334 of this title or~~  
3 if otherwise required by law for the following reasons:

4 \* \* \*

5 (f) Except for the provisions of subsection (b) of this section, at the time of  
6 suggesting or requesting that an individual consent to genetic testing, the  
7 person making the suggestion or request shall advise the individual subject of  
8 the test that ~~the results of the test:~~

9 (1) the results of the test may become part of the individual’s permanent  
10 medical record; and

11 (2) genetic information of the individual that is associated with a  
12 medical diagnosis in the individual’s medical record may be material to the  
13 ability of the individual to obtain certain insurance benefits.

14 Sec. 3. 18 V.S.A. § 9333 is amended to read:

15 § 9333. GENETIC TESTING; EMPLOYMENT; MEMBERSHIP IN A  
16 LABOR ORGANIZATION; PROFESSIONAL LICENSURE

17 \* \* \*

18 (b) As used in this section, “employment” includes application for  
19 employment, provided that subject to the underwriting limitations of section  
20 9334 of this title, this subsection shall not prohibit the use of genetic testing  
21 ~~results or~~ genetic information of an individual that is associated with a medical

1 diagnosis in the individual’s medical record in connection with life, disability  
2 income, or long-term care insurance provided under an employee benefit plan.

3 \* \* \*

4 Sec. 4. 18 V.S.A. § 9334 is amended to read:

5 § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE

6 COVERAGE

7 (a)(1) No policy of insurance offered for delivery or issued in this State  
8 shall be underwritten or conditioned on the basis of:

9 ~~(1)(A)~~ any requirement or agreement of the individual to undergo  
10 genetic testing; ~~or~~

11 ~~(2)(B)~~ genetic information of the individual that may be associated with  
12 a potential genetic condition in that individual but that has not resulted in a  
13 medical diagnosis in the individual’s medical record; or

14 ~~(C)~~ the results of genetic testing information of a member of the  
15 individual’s family that may be associated with a potential genetic condition in  
16 that family member but that has not resulted in a medical diagnosis in the  
17 family member’s medical record.

18 (2) An insurer doing business in this State shall not request, require,  
19 purchase, or use information obtained from an entity providing direct-to-

1 consumer genetic testing without the informed written consent of the  
2 individual who has been tested.

3 \* \* \*

4 \* \* \* Insurance \* \* \*

5 Sec. 5. 8 V.S.A. § 3702 is amended to read:

6 § 3702. OTHER PROHIBITED PRACTICES

7 A life insurance company doing business in the State or an agent thereof  
8 shall not do any of the following:

9 (1) ~~issue~~ Issue a policy of insurance or make an agreement other than  
10 that plainly expressed in the policy issued to the insured;

11 (2) ~~pay~~ Pay or allow, or offer to pay or allow, as an inducement to  
12 insurance, a rebate or premium payable on the policy;

13 (3) ~~grant~~ Grant a special favor or advantage in the dividends or other  
14 benefits to accrue thereon;

15 (4) ~~provide~~ Provide any valuable consideration or inducement not  
16 specified in the policy.

17 (5)(A) Condition insurance rates, the provision or renewal of insurance  
18 coverage or benefits, or other conditions of insurance for any individual on:

19 (i) any requirement or agreement of the individual to undergo  
20 genetic testing;





1 member but that has not resulted in a medical diagnosis in the family  
2 member’s medical record.

3 (ii) As used in this subdivision (7)(F), “genetic testing” and  
4 “genetic information” have the same meanings as in 18 V.S.A. § 9331.

5 \* \* \*

6 (22) Genetic testing.

7 (A) Conditioning insurance rates, the provision or renewal of  
8 insurance coverage or benefits, or other conditions of insurance for any  
9 individual on:

10 (i) any requirement or agreement of the individual to undergo  
11 genetic testing; ~~or~~

12 (ii) genetic information of the individual that may be associated  
13 with a potential genetic condition in that individual but that has not resulted in  
14 a medical diagnosis in the individual’s medical record; or

15 ~~(iii) the results of genetic testing information~~ of a member of the  
16 individual’s family ~~unless the results are contained in the individual’s medical~~  
17 ~~record~~ that may be associated with a potential genetic condition in that family  
18 member but that has not resulted in a medical diagnosis in the family  
19 member’s medical record.



1           (b)(1) No long-term care insurance policy or certificate may exclude  
2 coverage for a loss or confinement ~~which~~ that is the result of a preexisting  
3 condition, unless ~~such~~ the loss or confinement begins within six months  
4 following the effective date of coverage of an insured person.

5           (2)(A) No long-term care insurance policy or certificate may condition  
6 insurance rates, the provision or renewal of insurance coverage or benefits, or  
7 other conditions of insurance for any individual on:

8                   (i) any requirement or agreement of the individual to undergo  
9 genetic testing;

10                   (ii) genetic information of the individual that may be associated  
11 with a potential genetic condition in that individual but that has not resulted in  
12 a medical diagnosis in the individual’s medical record; or

13                   (iii) genetic information of a member of the individual’s family  
14 that may be associated with a potential genetic condition in that family  
15 member but that has not resulted in a medical diagnosis in the family  
16 member’s medical record.

17           (B) An insurer shall not request, require, purchase, or use information  
18 obtained from an entity providing direct-to-consumer genetic testing without  
19 the informed written consent of the individual who has been tested.

20           (C) As used in this subdivision (2), “genetic testing” and “genetic  
21 information” have the same meanings as in 18 V.S.A. § 9331.

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Sec. 9. 8 V.S.A. § 4588 is amended to read:

§ 4588. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a medical service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31, which shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4590 of this title, the statement shall include a certification that the medical service corporation operates on a nonprofit basis for the purpose of providing an adequate medical service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, genetic information, and medical history, except as allowed by ~~subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title~~ pursuant to 33 V.S.A. § 1811(f)(2)(A).

(b) As used in this section, “genetic information” has the same meaning as in 18 V.S.A. § 9331.

Sec. 10. 8 V.S.A. § 4516 is amended to read:

§ 4516. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a hospital service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the

1 president and treasurer of the corporation showing its condition on  
2 December 31. The statement shall be in such form and contain such matters as  
3 the Commissioner shall prescribe. To qualify for the tax exemption set forth in  
4 section 4518 of this title, the statement shall include a certification that the  
5 hospital service corporation operates on a nonprofit basis for the purpose of  
6 providing an adequate hospital service plan to individuals of the State, both  
7 groups and nongroups, without discrimination based on age, gender,  
8 geographic area, industry, genetic information, and medical history, except as  
9 allowed by ~~subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title~~  
10 pursuant to 33 V.S.A. § 1811(f)(2)(A).

11 (b) As used in this section, “genetic information” has the same meaning as  
12 in 18 V.S.A. § 9331.

13 \* \* \* State Assistance and Benefits \* \* \*

14 Sec. 11. 33 V.S.A. § 101 is amended to read:

15 § 101. POLICY

16 It is the policy of the State of Vermont that:

17 \* \* \*

18 (3) Assistance and benefits shall be administered promptly, with due  
19 regard for the preservation of family life, and without restriction of individual  
20 rights or discrimination on account of race, religion, political affiliation,  
21 genetic information, or place of residence within the State.

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\* \* \*

\* \* \* Effective Date \* \* \*

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE